

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

JOSE MARIA DECASTRO, an individual)	Case No. 1:22-cv-11421-ADB
)	
Plaintiff,)	APPLICATION TO CLERK FOR
)	ENTRY OF DEFAULT
v.)	
)	
JOSHUA ABRAMS, an individual,)	
et al.)	
)	
Defendants.)	

APPLICATION TO CLERK FOR ENTRY OF DEFAULT

To the Clerk of the United States District Court for the District of Massachusetts:

I, Plaintiff Jose DeCastro, hereby requests that the Clerk enter the default of defendant Kate Peter for failure to plead or otherwise defend in a timely manner as provided by Federal Rules of Civil Procedure, Rule 55(a).

Note that filing motions for an extension of time to answer the complaint was not found to be considered an appearance that required notice before application for default in *Benny v. Pipes*, 799 F.2d 489, 493 (9th Cir. 1986).

This request is based on the following:

- (1) The defendant was served with the summons and complaint pursuant to Federal Rules of Civil Procedure, Rule 4(c) on September 15, 2022, as evidenced by the proof of service on file with this court.
- (2) The defendant has failed to plead or otherwise respond to the complaint.
- (3) The applicable time limit for responding has expired.

I declare under penalty of perjury that the forgoing is true and correct.

Dated: October 6, 2022

Respectfully submitted,

/s/ Jose DeCastro Jose
DeCastro
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Santa Monica, CA
90404
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CERTIFICATE OF SERVICE

I, Jose DeCastro, hereby certify that on October 7, 2022, a true and correct copy of this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and by first-class mail to all non-registered participants, if any.

/s/ Jose DeCastro